

N 2938 Equity

State of Marylanda Frederick County Set  
At a Circuit Court for the Third Judicial Circuit of the State  
of Maryland sitting as a Court of Equity held at the Court  
House in Frederick Town in and for the County aforesaid  
on the 7th day of January 1863

Present The Hon. Mr. Nelson Circuit Judge  
Mr. Kimmigmann Esq. Sheriff &  
B. B. Fitzhugh Esq. -

Among other were the following proceedings to wit  
Samuel Birchy

vs  
Mary Mont Mrs. Mont et al

Be it remembered that heretofore to wit  
on this 2<sup>d</sup> day of August 1860 came the  
said Samuel Birchy Plaintiff in Court heretofore  
by Ephraim Campbells Solicitor and  
filed in Court here the following -  
Bill and Exhibits

To the Honorable Madam Nelson Judge of the Circuit Court  
for Frederick County, sitting as a Court of Equity.

The Bill of Complaint of Samuel Birchy of the  
7th day of April in the year 1856 & certain Battery Mont of  
said County being indebted unto your orator in the sum of  
eighty seven dollar current money and intending to secure  
the payment of the same unto your orator executed to him  
his legal promissory note for eighty seven dollar bearing  
interest from the date of said note which said note is  
herewith filed as a part of this Bill and marked as  
Exhibit A in this case. And your orator further shows  
that the said Battery Mont further intending to secure  
unto your orator the payment of the said money aforesaid  
did on the day and date aforesaid together with Mary  
Mont his wife execute unto your orator his executory  
administration or assigns a deed conveying certain real estate  
lying in Frederick County which said estate is fully  
described in the said deed to which said deed there is a  
Condition annexed that it be paid or payment by the said  
Battery Mont to your orator the aforesaid sum of money  
with interest thereon from the 7th day of April 1856 or before  
the seventh day of April 1857 as by copy of said deed herewith  
as a part of this Bill marked exhibit B in this case  
will more fully appear And your orator admits that sundry  
payments have been made to him by the said Battery Mont  
for account of said Mortgage debt, as will appear more  
particularly by the credits given and made on the said  
said legal promissory note filed as a part of this bill marked  
Exhibit A but by said credit & statement it appears  
and he so insists that there is yet due him thereon  
eighty seven dollar and eighty Cents besides the interest  
thereon from the 12th day of January 1858 and your  
orator further shows that the said Battery Mont died the year